

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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V.W., a minor, by and through his parent  
and natural guardian DERECK WILLIAMS,  
et al., on behalf of themselves and all others  
similarly situated,

Plaintiffs,

16-CV-1150 (DNH) (DEP)

v.

EUGENE CONWAY, Onondaga County Sheriff,  
in his official capacity, et al.

Defendants.

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**[PROPOSED] ORDER GRANTING THE PARTIES' JOINT MOTION FOR  
(1) PRELIMINARY APPROVAL OF CLASS-ACTION SETTLEMENT, AND (2)  
APPROVAL AND DISTRIBUTION OF THE NOTICE OF SETTLEMENT**

**WHEREAS** the parties to the above-titled action entered into a proposed settlement agreement, which is subject to review under Rule 23 of the Federal Rules of Civil Procedure and which sets forth the terms and conditions for the proposed settlement of the claims alleged in the Class Action Complaint; and the Court having read and considered the proposed settlement agreement and the accompanying documents; and the parties to the proposed settlement agreement having consented to entry of this Order;

**NOW THEREFORE, IT IS HEREBY ORDERED:**

1. The Court does hereby preliminarily approve the proposed settlement agreement as being fair, reasonable and adequate to the class and subclass, subject to further consideration at the Settlement Fairness Hearing, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure.

2. The Court finds that the form, substance, and requirements of the Notice to the Class of the Settlement Agreement, attached as Exhibit D to the Josh Cotter Declaration, and the distribution of the Notice, substantially in the manner and form set forth in ¶ 3 below constitutes notice that is reasonably calculated, under the circumstances, to apprise the members of the class and subclass (“Class Members”) of the proposed settlement agreement and their rights to object to any aspect of the proposed settlement agreement; constitutes due, adequate, and sufficient notice to all persons entitled to receive notice of the proposed settlement agreement; and complies with the requirements of Rule 23 of the Federal Rules of Civil Procedure.

3. Within ten days of the date this Order is entered, the Onondaga County Sheriff’s Office shall distribute the Notice by the following means:

- a. Posting copies of the Notice in English and Spanish in prominent and visible locations accessible to all juvenile inmates on a daily basis, ensuring that the Notice remains posted during the entire comment period; and
- b. Delivering a copy of the notice to every juvenile housed in the Justice Center during the notice period.

4. Defendants shall maintain two copies of the proposed settlement agreement for review by juveniles in any unit where juveniles are housed.

5. Within three days of the distribution of Notice, the Onondaga County Sheriff’s Office shall file and serve on plaintiffs’ counsel a declaration affirming that the notice was distributed and the proposed settlement agreement was made available as required in ¶¶ 3-4.

6. Any Class Member shall have the right to submit a written objection to the Court in advance of the Fairness Hearing. Any such objection must be postmarked on or before \_\_\_\_\_ pursuant to the terms of the Notice. Any Class Member who does not make his or her objection at the Fairness Hearing or in writing timely submitted prior to the Fairness

Hearing shall be deemed to have waived such opportunity and shall forever be foreclosed from making any objection to the proposed settlement agreement.

7. A Fairness Hearing will be held before Judge David N. Hurd on \_\_\_\_\_, at \_\_\_\_\_ at the Alexander Pirnie Federal Bldg. and U.S. Courthouse, 10 Broad Street, Utica, New York, 13501 at which time the Court will determine whether the Settlement Agreement should be finally approved as fair, reasonable, and adequate, and whether it shall be entered as the Final Judgment in this action.

**SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_,  
2017

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THE HONORABLE DAVID N. HURD  
UNITED STATES DISTRICT JUDGE